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10/565,677

10/26/2006

Helmut Mauser

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07/09/2010

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1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

PATEL, VINOD D

ART UNIT

PAPER NUMBER

3742

NOTIFICATION DATE

DELIVERY MODE

07/09/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/565,677 | <b>Applicant(s)</b><br>MAUSER, HELMUT |  |
|                              | <b>Examiner</b><br>Vinod D. Patel    | <b>Art Unit</b><br>3742               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Arguments/Amendments***

1. Applicant's arguments/amendments have been fully considered but they are not persuasive as for the following reason:
2. The text of those sections of Title 35, U.S. Code not included in this section can be found in the previous office action.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9 and 12-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Sol et al. (US6559419).

With respect to claim 1, Sol et al. discloses (Figure 2) a substrate (2, 4), comprising: an electrically conducting and heatable coating (3, 3a, 3b, 3c); at least one communication window (4d) made in the coating in the form of an interruption, the window being able to allow communication radiation used as signal carrying information to be transmitted there through and whose wavelength lies in a span of wavelengths that can be reflected or absorbed by the coating; and an electrically conducting element (7b, 7c, 7d) in contact with at least one part of edges of the window and in contact with the coating, wherein the communication window is provided with an electrically

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conducting covering (7b, 7c, 7d) and electrically connected to said electrically conducting element (similar to applicant invention, see page 7, of remarks "electrically conducting element is that portion of covering 6 in the window 5 is the covering.").

With respect to claim 2, Sol et al. discloses the covering (7b, 7c, 7d, 7g) is deposited on the coating in such a way that it covers on all the sides the edges of the communication window without coating and comprises said electrically conducting element as shown in Figure 2.

With respect to claim 3, Sol et al. discloses the covering has a lower ohmic resistance per unit surface area than the ohmic resistance per unit surface area of said coating inherently (prior art discloses similar to applicants as shown in the figures).

With respect to claim 4, Sol et al. discloses the coating can be energized and heated by an electrical voltage by means of at least two current collecting strips electrodes (7g, 9) and the electrically conducting covering is situated in the current flow between the current collecting strips electrodes as shown in Figure 2.

With respect to claim 5, Sol et al. discloses the covering can also be heated through resistance heating (prior art discloses similar to applicants as shown in the figures).

With respect to claim 6, Sol et al. discloses interruptions (Figure 2) are made in the covering, which increase its permeability to said communication radiation through the communication window (4d) but which do not however prevent current flow through the covering.

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With respect to claim 7, Sol et al. discloses the interruptions (Figure 2) in the covering (7b, 7c, 7d)) consist of comprise slot antennas tuned to said communication radiation through the communication window (4d).

With respect to claim 8, Sol et al. discloses the interruptions (Figure2) in the covering (7b, 7c, 7d) are formed perpendicularly to one another.

With respect to claim 9, Sol et al. discloses the interruptions (Figure 2) take the form of in the covering comprise crossed slots and/or of right slots oriented alternately perpendicularly to one another.

With respect to claim 11, Sol et al. discloses the substrate comprising at least two current collecting strips (7, 9) in the form of printed bands, applied by printing, for applying a heating voltage to the coating.

With respect to claim 13, Sol et al. discloses the said covering forms at least in part a sun visor.

With respect to claim 14, Sol et al. discloses the substrate constituted by comprising a laminated pane composed of a first rigid pane (2, 4) provided with the coating and the covering and a second rigid pane (2, 4); and an adhesive layer ( column 4, lines 1-10) disposed between the first and second rigid pane.

With respect to claim 15, Sol et al. discloses the covering exhibits have a lower ohmic resistance per unit surface area than the ohmic resistance per unit surface area of said coating.

With respect to claim 16, Sol et al. discloses the coating can be energized and by an electrical voltage by means of at least two current collecting strips (7, 9), and the

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electrically conducting covering is situated in the current flow between the current collecting strips.

With respect to claim 17, Sol et al. discloses the coating can be energized and hence heated by an electrical voltage by means of at least two current collecting strips electrodes (7, 9), and the electrically conducting covering is situated in the current flow between the current collecting strips.

With respect to claim 18, Sol et al. discloses interruptions (Figure 2) are made in the covering, which increase its permeability to said communication radiation through the communication window but which do not however prevent current flow through the covering.

With respect to claim 19, Sol et al. discloses interruptions (Figure 2) are made in the covering, which increase its permeability to said communication radiation through the communication window but which do not however prevent current flow through the covering.

With respect to claim 15, Sol et al. discloses interruptions (Figure 2) are made in the covering, which increase its permeability to said communication radiation through the communication window but which do not however prevent current flow through the covering.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 10 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sol et al. (US6559419) as applied to claims 1-9 and 12-20 above, and further in view of Cutcher (US5390595).

With respect to claim 10, Sol et al. discloses conductive coating (3) is printed on substrate (2) is silent with respect to the covering comprises ink.

With respect to claim 12, Sol et al. discloses the covering and the current collecting strips electrodes (4) are composed of the same substance.

Cutcher discloses a substrate (14) comprises electro coating (16) of conductive ink (16) and current collecting strips (20) of conductive ink printed on a substrate (14).

It would have been obvious to one of ordinary skilled in the art at the time of invention to provide coating and current collecting strips of ink, printed on the substrate as taught by Cutcher in order to provide a heated substrate for the substrate of Sol et al.

#### **REMARKS**

8. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

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9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinod D. Patel whose telephone number is (571)272-4785. The examiner can normally be reached on 7.15 am TO 3.45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu B. Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vinod D. Patel/ 6/24/10

Examiner, Art Unit 3742

/TU B HOANG/

Supervisory Patent Examiner, Art Unit 3742